

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

SUPERSEDING INDICTMENT

-v.-

ELIZABETH ANN PIERCE,

S1 18 Cr. 388 (ER)

Defendant.

- - - - -X

COUNT ONE
(Wire Fraud)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/20/18
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The Grand Jury charges:

1. From at least in or about May 2015, up to and including at least in or about July 2017, in the Southern District of New York and elsewhere, ELIZABETH ANN PIERCE, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds, for the purpose of executing such scheme and artifice, to wit, in order to fraudulently induce investors to invest over \$250 million in the Alaska-based high-speed fiber optic company of which she was the chief executive officer, PIERCE forged counterparties'

signatures on approximately five contracts for the sale of broadband capacity (the "Fake Revenue Contracts") and related capacity order forms (the "Fake Order Forms"), which she sent or caused to be sent by fax or over the Internet from Anchorage, Alaska, to Manhattan, New York.

(Title 18, United States Code, Sections 1343 and 2.)

COUNTS TWO TO NINE
(Aggravated Identity Theft)

The Grand Jury further charges:

2. On or about the dates set forth in the chart below, in the Southern District of New York and elsewhere, ELIZABETH ANN PIERCE, the defendant, knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, PIERCE forged the names of counterparties to the Fake Revenue Contracts and related Fake Order Forms and transmitted and caused to be transmitted those Fake Revenue Contracts and Fake Order Forms to Manhattan, New York, in connection with the offense charged in Count One of this Indictment.

Count	Date Of Transfer	Name And Date Of Purported Revenue Contract	Title Of Individual Whose Name Was Forged
TWO	May 14, 2015	Capacity Services Agreement dated May 10, 2015	Chief Executive Officer
THREE	May 17, 2015	Capacity Order Form dated May 11, 2015	Chief Executive Officer
FOUR	May 17, 2015	Capacity Services Agreement dated May 11, 2015	Chief Executive Officer
FIVE	May 17, 2015	Capacity Order Form dated May 11, 2015	Chief Executive Officer
SIX	June 15, 2015	Capacity Purchase Agreement dated June 13, 2015	Chief Executive Officer
SEVEN	May 29, 2016	Capacity Services Agreement dated May 27, 2016	President
EIGHT	September 20, 2016	Capacity Services Agreement dated September 19, 2016	Senior Vice President
NINE	May 2, 2017	Interim IRU Agreement dated May 2, 2017	Senior Vice President Shared Services

(Title 18, United States Code, Sections 1028A(a)(1), 1028A(b), and 2.)

FORFEITURE ALLEGATION

3. As a result of committing the offense alleged in Count One of this Indictment, ELIZABETH ANN PIERCE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States

States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense and the following specific property:

- a. Any and all ownership interests in Quintillion Holdings, LLC, and its subsidiaries;
- b. Any and all ownership interests in Quintillion Subsea Holdings, LLC, and its subsidiaries; and
- c. The real property described as Lot 18, Block U, La Conterra Subdivision Section Seven, a subdivision in Williamson County, Texas, according to the map or plat recorded in Document No. 2015073064, Official Public Records of Williamson County, Texas.

Substitute Assets Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981;
Title 21, United States Code, Section 853; and
Title 28, United States Code, Section 2461.)



FOREPERSON



GEOFFREY S. BERMAN *JS*
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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ELIZABETH ANN PIERCE,

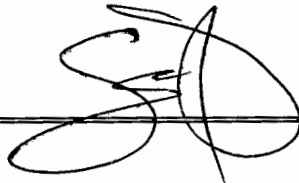
Defendant.

SUPERSEDING INDICTMENT

S1 18 Cr. 388 (ER)

(18 U.S.C. §§ 1028A, 1343, and 2)

GEOFFREY S. BERMAN
United States Attorney.



- Super seding INDICTMENT
- TRUE BILL
MAG. JUDGE ROBERT W. LEHRBURGER
8/20/18 